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THE LAND STRUGGLES IN ENGLISH REVOLUTION (1)
——WHAT THE PARTIES AIMED AT IN 1640—60——

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I Problems

1. Economic Contradictions in Agriculture

What problems had 17th century England to settle, necessitated by agricultural developments during the one hundred years prior to the Revolution? The papers written by Prof. H. Horie and Messrs. N. Take and K. Matsumura[1] published in this *Review* were all dedicated to the clarification of this subject. Mr. Take analysed the bourgeois development in peasant economy:

> The principal tendency of differentiation of peasantry into the bourgeois rich peasants and the poor proletarian peasants; the development of small enclosures; the tendency of fortification of peasant landholdings and their transformation to peasant landproprietorship (private ownership *de facto*) and so forth.

Mr. Matsumura analysed the bourgeois development in landlord economy:

> The tendency of the transformation of the landlord economy from the feudal form of rent exploitation to the bourgeois form of exploitation (the Junker-like estates-management and the capitalist putting to lease in embryo); the tendency of formation of large farms (so-called landlords' enclosures); the creation of landlords' private land-ownership *de facto*, etc.

Messrs. Take and Matsumura observed the economic changes in the peasant economy and the landlord economy *per se*.

These economic changes, however, began within the economic structure of feudal society, which was in England the feudal relations of production based on money rent exploitation, i. e., the relation between the feudal landlords and the money-rent paying peasants. The property relationship, the legal expression of the said feudal relation, was the feudalistic multi-layer land proprietary relationship (the system of real properties as 'Gewere'). This has been comprehensively shown by Prof.

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1) Horie, H., "Introduction to Land Problem in English Revolution", *The Kyoto University Economic Review*, Vol. 33, No. 1, April 1963; Take, N., "The Bourgeois Development in Peasant Economy", *ibid.*, Vol. 33, No. 2, October 1963; Matsumura, K., "The Transformation of Feudal Landlord Economy into Capitalism", *ibid.*, Vol. 34, No. 1, April 1964.

Horie. We can make the objective contradictions clear by understanding bourgeois developments, shown by Messrs. Take and Matsumura, under the more concrete conditions such as the feudal relation of production and the property relationship presented by Prof. Horie.

The agricultural problems of 17th century England were in general the contradictions between the feudal landlord-peasant relation and the general tendency of bourgeois development. The abstract basis of those contradictions is that the bourgeois development makes headway from inside and in contradiction with the feudal relations of production. And the fact that the bourgeois development had been proceeding, both on the side of the landlord economy and the peasant economy, as the denial of the feudal landlord-peasant relation and the creation of the private landownership, proved the reality of the said contradictions at that time. Moreover, the agricultural problems at that stage were, specifically speaking, the contradictions between the bourgeois development of the landlord economy and that of the peasant economy. Those contradictions, in the abstract, stem from that the bourgeois development advances through the feudal antagonism between landlords and tenants and sublates this antagonism itself. The fact that the modernization of the landlord economy had been advancing, destroying the peasant landholding while the bourgeois development in the peasant economy making headway having a tendency to abolish the landownership of the landlord itself proved the existence of these contradictions. The mutually antagonistic character of the peasants' small enclosures and the landlords' large enclosures each of which appeared equally as the result of overcoming the old land system (intermixed holding) is also clear on this point.

The objective directions towards the land reform developing inside the feudal landed property relationship were determined by such circumstances of agricultural problems. Therefore it can be said that the directions were in general to create the system of the single exclusive private landownership by destroying the feudal multi-layer land proprietary relationship, and were in particular two opposing directions to create this new landownership; viz. to convert the feudal landownership of the landlord to his private ownership *de facto* through the shift of the peasant customary hold to leasehold or peasant eviction, and to abolish the landownership of the landlord himself by the shift of the customary hold to freehold.

These were the objective contradictions which appeared in the agriculture and land relations in the 17th century England which can be set forth on the basis of the analysis of the preceding three papers, and they were the objective grounds of land struggles in the English Revolution. We have now reached the point from which we can step

into the Revolution.

2. Limitation of the Problem

Now, the 20 years of the Revolution 1640–1660 saw a process where the character and the scale of the objective contradictions concerning to the land reform, and the subjective wishes and the abilities of various classes for reform were practically weighed and cleared off through the revolutionary actions openly fought by various social classes on a national scale.

In the following we have to replace the sketch map of the contradictions which appeared in the objective and economic processes with that of the subjective land struggles. This involves two tasks. On the one hand, it is necessary to determine the real meaning of the subjective wishes of those who were struggling by comparing them with the aforesaid objective tendencies (the objective conditions of the land reform), as they appeared in the economic processes. The meaning of this task is self-evident. On the other hand, it is to check once again the conclusion of the economic historical analysis with the practical sense of the parties concerned in the midst of the actual struggles on a full scale, because the decisive criterion by which to judge how far the various contradictions are realistic is the actual struggle. For such purpose it is necessary, above all, to study in what form the various political groups presented their demands in the political conflicts of the English Revolution, what class interests were represented there, and what conflicts of different solutions as to the agricultural and land problems were reflected there, and to work out the bird's-eye view of the struggles among the various classes and groups in such a way that it shows as far as possible the direct comparison among all the interests. It is first of all necessary to understand thereby the basic antagonism regarding the land struggles by removing all incidental phenomena. This bird's-eye view is, as mentioned above, the subjective reflection of the objective realities underlying the struggles, and at the same time, it is the combination of preliminary sketches as to the final destination of the struggles which each subject (class) expect what should be, (eventually there should be as many sketches as the number of the struggling classes), and there should be a concurrence between the interrelations among those sketches and the ones among the objective contradictions.

Most of this paper will be dedicated to sketching this bird's-eye view. Which of the subjective sketches as to the terminal destination were realized and how, will be simply summarized at the last section of this thesis mainly because of the limit of space.

Before entering into the concrete analysis, it is necessary to put certain limitation on the object, material and method of analysis.

First, as the political powers to be studied, I will take the two biggest viz., the Royalist camp and the Revolutionary camp, and the groups which belong to the latter are, Presbyterians, Independents and Levellers[2]. Another well-known group, the Diggers, is not studied here in principle[3]. The latter (which appeared later than 1649) is nothing but a simple episode from the viewpoint of political effect, and the political groups of the Revolutionary camp significant in influencing the political consequences of English Revolution were basically only the three groups mentioned above.

Secondly, as the materials to work out such bird's-eye view, programs, propositions, pamphlets and some statutes and ordinances[4] are taken up. Here, I will limit them mainly to those which were presented during the period from the opening of the Long Parliament on 3 rd November, 1640 to 'An Act declaring England to be a commonwealth' on 19 th May, 1649. It is because these ten years, in fact, represented the period in which the struggles among the classes, who aimed at different goals in the Revolution, were fought with a certain practical possibility.

Thirdly, the study of these documents is, in principle, to their parts concerning the agriculture and land problems and their provisions of state power. Of course, the land revolution was the revolution of property relationship (the legal expression of relations of production), which was carried out according to the change of relations of production. The property relationship is not only the product of sanctification of the production relations by the 'State-Will' (law and legal system) but at the

2) Hereunder, the term 'Parliamentarians' is used to mean the Presbyterians and the Independents, while the terms 'Revolutionaries' or 'Revolutionary camp' are used to indicate all the groups in pursuit of Revolution including the Levellers. The reason thereof will be understood later. The names, Presbyterians and Independents, naturally come from the religious groups. However, here Presbyterians and Independents are comprehended as certain political groups and it is not necessarily meant that the members of one group belonged to the same religious denomination. Cf. Woodhouse, A. S. P. (ed.), *Puritanism and Liberty ; being the Army Debates, 1647–1649, from the Clark Manuscripts with Supplementary Documents*, 1938, Introduction ; Yule, G., *The Independents in the English Civil War*, 1958, p. 129.

3) As to the approach of Diggers to the land problems, refer to Petegorsky, D. W., *Left-Wing Democracy in the English Civil War*, 1940, Chap. IIIff. ; Tamura, Hideo, *Igirisu Kakumei Shisoshi* (*History of Political Thoughts in English Revolution*), 1961.

4) As the historical materials already published, the following are available. Gardiner, S. R. (ed.), *The Constitutional Documents of the Puritan Revolution, 1642–1660*, 1901, 3rd ed., rev. ; Adams, G. B. and Stephens, H. M. (ed.), *Select Documents of English Constitutional History*, 1908 ; Firth, C. H. and Rait, R. S. (ed.), *Acts and Ordinances of the Interreguum, 1642–1660*, 1911 ; Haller, W. (ed.), *Tracts on Liberty in the Puritan Revolution, 1638–1647*, 1934 ; Haller, W. and Davies, G. (ed.), *The Leveller Tracts, 1647–1653*, 1944 ; Wolfe, D. M. (ed.), *Leveller Manifestoes of the Puritan Revolution*, 1944 ; Hill, C. and Dell, E. (ed.), *The Good Old Cause*, 1949 ; Woodhouse (ed.), *op. cit.*

same time it presents itself as the supreme norm provide for the structure of the state and function. Land reform is above all political reform. The attention to the above two points comes from the acknowledgement that the economic reform premises the corresponding political structure.

What political reform did the land reform in English Revolution take as prerequisite and at the same time how did it provide the newborn political structure? By studying these aspects, in the first place the underplot necessary to understand the entire structure of the English Revolution as superb political reform can be secured, (though this point will deviate from the direct subject here), secondly the position of the land reform inside the entire structure is to be determined, and thirdly the perspective as to the state power in the course of the modernization of agriculture after the land reform in the Revolution can be deduced.

Other things which the political documents contain will not in general be referred to. This gives a certain abstract nature to the handling of agriculture and land problems which are the major objects here. However, it must be pointed out that here, the study is limited to the agriculture and land problems which are taken out as such from the most concrete and richest entirety of the economic structure of the 17th century England. In this connection, note that the study as to the said groups is also limited to the special aspect of them as far as they represent the class interests concerning the land reform, and that the over-all handling of the political group *per se* is not the object here.

Fourthly, among those powers and various political groups, as a matter of fact the Royalists did not have any specific program and their political opinions on the problems can be found mainly in their answers to the proposals by the Parliament or other private papers, while as for the three groups of the Revolutionaries, *The Propositions of Uxbridge* which represents the pan-Parliamentarians' principles at the early stage of the Revolution, *The Propositions of Newcastle* by the Presbyterians, *The Heads of the Proposals* by the Independents, and *The Case of the Armie truly stated* and other subsequent documents by the Levellers can be taken up as their principal programs respectively. However, these were not all presented at the same time. The period from 1640 through '49 can be divided as follows[5]. First, the period of pan-Parliamentary control from 1640 through the New-Modelling in February, 1645 where the conflict between the Presbyterians and the Independents was not yet apparent, secondly from 1645 till the end of the first Civil War in March, 1647 where the Presby-

5) As to the theoretical criterion and the empirical basis of this historical division, refer to Hamabayashi, Masao, *Igirisu Shimin Kakumeishi* (*History of English Bourgeois Revolution*), 1959, Chap. II and III.

terians controlled the Parliament and the Independents led the Army, and lastly from 1647 via the second Civil War till 1749 where the Independents and the Levellers confronted each other and the latter lost. The said propositions successively corresponded to these periods, and the propositions of the Independents and the Levellers were both submitted almost at the same time during the last period. However, here, the emphasis is placed on the comparison among these propositions, or on horizontal treatment rather than on their historical sequence and the transitional process, as it is considered appropriate to do so as the present subject is to prepare a bird's-eye view that serves in making direct comparison among all the interests.

In the following, first the Royalists' view and then the programs of the Parliamentary groups and of the Levellers will be observed.

II Royalists' View
——'Program' of Counter-revolution——

The Royalists never did present comprehensively their political position as a party. This fact itself implies their counter-revolutionary posture-defending attitude based on their total adherence to the *status quo*. Here, I will try to detect, as far as possible, their over-all attitude as seen in the King's answers to the proposals of the Parliament, adding thereto some corroborations. In all eight answers of the King, we can use here more or less in their complete form. According to their contents these can be divided into two categories. The one comprises 5 documents ranging from *The King's Answer to the Petition accompanying the Grand Remonstrance* in December, 1641 to *The King's Second Answer to the Propositions presented at Newcastle*. During this period, the King was still confronted militarily by the Parliament. His answers were either flat refusal or certain counterproposals to the Parliamentary propositions. The other contains three documents ranging from *The King's Third Answer to the Propositions presented at Newcastle* in May, 1947 to *The Letter of Charles I addressed to the Speaker of the House of Lords* in November, 1647. On 1st February, 1647, the captive King was transferred to the custody of the English Parliament and in these three documents, we can find some concessions by the King. I will treat these two separately[6] as it is necessary to

6) So far as I know, there exist the following 10 answers of the King and the like: *The King's Answer to the Petition accompanying the Grand Remonstrance. The King's Proclamation condemning the Militia Ordinance* (27th May, 1642). *The King's Propositions to be discussed at Uxbridge* (21st January, 1645). *The King's First Answer to the Propositions presented at Newcastle* (1st August, 1646). *The King's Second Answer to the Propostitions presented at Newcastle. The King's Third Answer to the Propostitions presented at Newcastle. The King's Answer to the Propostitions of Parliament* (9th September, 1647). *Letter of Charles I to the Speaker of the House of Lords.* (All the above 8 letters are compiled in Gardiner [ed.], *op. cit.* Literatures without dates in

grasp the basic position of the Royalists by stripping off the embellishment forced by external circumstances.

Most of the documents of the first group were flat refusals in general expression without going into the details of the Parliamentary requests, at least from the present object of study. Almost the only exceptional example that contained a part which could be considered as counterproposals, was *The King's Propositions to be discussed at Uxbridge.* The following 3 items of its total of 6 are important.

> "1. That His Majesty's own revenue, magazines, towns, forts and ships which have been taken or kept from him by force, be forthwith restored unto him.
>
> 2. That whatsoever has been done or published contrary to the known laws of the land, or derogatory to His Majesty's legal and known power and rights, be renounced and recalled; that no seed may remain for the like to spring out of for the future.
>
> 3. That whatsoever illegal power hath claimed or exercised by or over his subjects, as improving or putting to death their persons without law,..... and imposing upon their estates without Act of Parliament, &c., either by both or either House, be disclaimed, and all such persons so committed forthwith discharged."[7]

Needless to say, these propositions requested the Parliament to surrender over all by giving up sequestered Crown lands, weapons and forts (Item 1) and all reforms were denied (Item 2) and the punishments of delinquents were repealed (Item 3). The conclusion of these demands was the total return to the *ancien régime.*

What was then the *ancien régime* for the Royalists? We should question their fundamental attitude behind these answers——the state power structure to be for the Royalists, the norms which specified it and the economic foundations to be for them, and their view on social regime as a whole embracing all of these. Now, first of all, let us take up their power structure to be. Items 2 and 3 give us certain hints in this respect viz. "the known laws of the land", "His Majestys' legal and known power and rights", "laws" as for "person", and "Act of Parliament" as for "estates". What was the power structure which integrated them all?

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the parentheses can be referred to them in the main text except those whose date is unknown. All the references to be cited hereunder will follow the same pattern). *His Majesty's Answer to the Nineteen Propositions. The King's Reply of 26th March, 1642 concerning the Militia Ordinance.* (These two are in Rushworth, J., *Historical Collections*, Vol. IV & V, but I could not personally take a look at them). The one category contains first 8 documents, the another comprises the remaining three.

7) *The King's Propostition to be discussed at Uxbridge*, printed in Gardiner (ed.), *op. cit.*, p. 286.

Supplement

It is necessary to make cetain preliminary observation on the structure of political powers in the absolute monarchies of England in order to restore the Royalists' view expressed fragmentarily as a consistent whole. Here, we have but such a conclusion thereon, omitting the details, as is necessary for the later observations.

The English absolute monarchy which came into being with the historical prerequisite that the baronage depended on serfdom had changed and the later feudal relations between the gentry (small landlords) and the dependent peasantry based on money rent exploitation had come to be generally established. There, the King's power was not a simple "biggest landlordship" existing in parallel with the decentralized powers of Barons at the golden age of feudalism, but was the upper landlordship concentrated on a national scale soaring above the fragile lordships of small landlords, and was the sole supreme landlordship as an apex of multi-layer land properties. (Remember the axial significance of the enactment of the *Statute of Uses* in 1536 and the institution of the Court of Wards & Liveries in 1540[8] as indications of the establishment of the Tudor absolute Monarchy.

However, obviously this power was a form of feudal power whose subsistence basis remained to be that the direct producers were simple "possessor" (Besitzer) of the means of production and the material labour conditions, where as a rule the property relationship in *estate* remained at the same time the relationship of the ruler and the ruled in *person*[9], (although the personal service took the form of monetary payment provided by the general conditions of the money rent). The King's power was the summit of the property relationship, and concurrently, it was the focal point of the various personal services and the accure of non-economic coercions. By having the power organized on a national scale around royalty, the power of individual landlord i.e. capability of exercising non-economic coercions had rather assumed the appearance that it originated from the regal power.

According to constitutional history, there existed certain differences in the regal power between the Tudor and the Stuart periods[10]. In the Tudor period, the King's power functioned as prerogatives composed of two different elements: one concerned with propriety and liberty (*meum et tuum*). Dealing directly with the estate and the person of the subjects, the prerogative was restricted by the Common Law and the duty of the King's High Court of Parliament to declare the law. There, the form of exercise of the prerogative was the Act of Parliament which "the King ordains, the Lords

8) Cf. Holdsworth, W. S., *A Historical Introduction to the Land Law*, 1927, pp. 151–157, 161–162; Bell, H. E., *An Introduction to the History and Records of the Court of Wards and Liveries*, 1953, [Chap. I.

9) Marx, K., *Capital*, Moscow, 1959, Vol. III, p. 771.

10) As for the following entirety, refer, for example to Tanner, J. R. (ed.), *Constitutional Documents of the Reign of James I, A. D. 1603–1625, with a Historical Commentary*, 1930; Zagorin, P., *A History of Political Thought in the English Revolution*, 1954, Chap. XIV; and Matsushita, Keiichi, *Shimin Seiji Riron no Keisei* (*Formation of Bourgeois' Political Theories*), 1953, Chap. II.

advise, and the Commons consent", (this trinity was expressed in the words "King in Parliament"). This prerogative was supreme, but not absolute. The King's power had no independent legislative power; on the contrary Parliament had the right to participate in the legislation (its core was the right to consider questions of taxation). So the said supremacy of the prerogative was its supremacy as the summit of the multi-layer properties (threefold relations between Crown right, mesne lordship and peasant land holding), as the said restricted nature of the prerogative was the projection of the non-absoluteness of the perpetuities viz. the mutually restrictive relation between the Crown right and mesne lordship: (here we can see the relics of the medieval constitutionalism). Parliament functioned as an organization representing the freehold (its mainstay was the property of the mesne lord) which the law mainly protected, (the significance of 40 shillings freehold election). Another sphere of the prerogative was concerned with matters of state (*arcana imperii*). Therein, the prerogative was outside the law and the King had the sole decision and exercised the power legally by his own authority simply. This prerogative was absolute. It included the right to summon and dissolve Parliament, to appoint officials, to exercise the jurisdiction in various conciliar courts like the Court of Star Chamber and the ecclesiastical supremacy, to control foreign policy, to make war and peace, to do undefinedly whatever seemed necessary for the general welfare, and the prerogative of supreme command as the very force that supported all these rights, (socalled inherent matters of prerogative). The prerogative in this field represented the royal power which the King, the sovereign lord, had in both foreign and domestic matters as Head of State.

Of course, in order that these two kinds of prerogative may function harmoniously to realize the supremacy of regal authority, it is necessary that the multi-layer property system as its basis should be sound, and that the Parliament should function in coordination with this line. However, as we already know, this property system was oscillating from its bottom in the early 17th century, and the mesne lords themselves represented by the Parliament were emerging as the factor to destroy it.

Thus, the King's power, had gradually come to be obliged to make inroads into the matters of 'property and liberty' with absolute right in order to retain this system above all the self-sustaining small peasants' land holdings as its subsistence basis. (The positive interference with the property of subjects by the Crown and the prerogative courts such as the prohibition of enclosure and taxation without Parliamentary consent, etc.) The shift of the Tudor doctrine of royal prerogative to the Stuart doctrine of absolute power was its expression. This switch-over took place in two ways. The one was what was established by the royal law-officers through three judgements; Bate's Case (1606), the Five Knights' Case (1627) and the Ship-Money Case (1637). This, upon the pertext of the exercise of the emergency power without denying in principle the Tudor doctrine of royal

prerogative, was to rationalize the launching of the absolute prerogative into matters of 'property and liberty' or the conversion of the absolute power outside the law to the absolute power overriding the law[11]. The other one was the doctrine of the Divine Right of Kings which is associated with the name of James I. It turned down the relics of the medieval constitutionalism and theoretically generalized the absoluteness of royal prerogative by consolidating the Crown power as the proxy on earth of the Sovereignty of God[12].

The above-mentioned King's counterproposals that placed emphasis on "the known laws of the land", "His Majesty's legal and known power and rights" and "Act of Parliament" was obviously made not on the basis of the Stuart doctrine of absolute power but on the Tudor doctrine of royal prerogative. This attitude of the King can be understood in relation to the circumstances and the political demands of the Parliament. How the demands of the Parliament had seemed to the King was shown in his answer to the *Nineteen Propositions*.

> "The King's authority declared by both Houses of Parliament may be still the style of your commands; we may have swords and maces carried before us, and please ourself with the sight of a crown and sceptre,.....but as to true and real power, we should remain but the outside, but the picture, but the sign of a King"[13].

Here, there is left not a single misunderstanding. The composition of the power which the Parliamentary propositions drew as we see later hit at its very core. The Parliament in conducting the Civil War, not only handled property and liberty (taxation and the punishment of the Royalists) without the King, but also acted as the comprehensive power in all matters including affairs of state. The demands of Parliament were only to approve the King's rights limited to but a "style for the Parliament to command". How and by protecting what power structure is it possible to prevent the King's right becoming "but the sign of a King"? In the Revolution, the circumstances raised problems in such way before the Royalists. The King's answer to the Parliament suggested his defensive attitude. That same answer above mentioned also included the following sentence, which speaks volumes.

> "Nothing.....is more proper for the High Court of Parliament than the making of Laws, which not only ought there to be transacted, but can be transacted nowhere else....."[14]

11) For the details of these three judgement, refer to the records printed in Tanner (ed.), *op. cit.*; Gardiner (ed.), *op. cit.*

12) Cf. James I, *True Law of Free Monarchies*, 1598, printed in Tanner (ed.), *op. cit.*, p. 9; Cowell, J., *The Interpreter*, 1607, printed in *ibid.*, p. 12.

13) *His Magesty's Answer to the Nineteen Propositions*, quoted in Tanner, J. R., *English Constitutional Conflicts of the Seventeenth Century, 1603–1689*, 1928, p. 118.

14) Quoted in Zagorin, *op. cit.*, p. 190.

Of course, here the intention of the King did not lie in the positive approval of the Parliament as the legislatvie power, but in the confirmaion of the so-called "King in Parliament" which contained in itself the reversed relation that the Parliament could not take legislative action without the King's personal assent. The King's respones to *the Militia Ordinance* of the Parliament clearly indicates where exactly lies the King's intention.

> ".....We are extremely unsatisfied what an ordinance is; but well satisfied that without our consent it is nothing, not binding.....we must declare to all the World, that we are not satisfied with, nor shall ever allow our Subjects to be bound by your printed Votes.....or that under pretence of declaring that the Law of the Land is, you shall without us make a new Law....."[15]

Putting the immediate line of defence on the Tudor doctrine of prerogative to deny the independent legislation of the Parliament (various reforms) and to defend for a while as far as possible all prerogatives including the absolute ones "outside the law" sanctioned by the said doctrine,——those were what the King's counterproposals above all meant.

However, it is impossible to interpret the power structure which the King cherished as equivalent to the Tudor doctrine of prerogative. We can cite some proofs that Charles was the successor of the doctrine of the Devine Right of his father James[16]. His reign was characterized by the intervention of the prerogative into private property through judicial interpretations by the law-officers such as in "the Ship-Money Case". The 11 years of personal government preceding the Revolution, well-known under the name of the 'thorough' policy of Laud and Strafford, was the time when, to say the least, the Stuart doctrine of absolute power had been put into very bold practice[17]. Then, was this setting of the line of defence merely for ornamental convenience? How was it related to the actual over-all feature of Charles' power view? *The King's First Answer to the Propositions presented at Newcastle* in August, 1646 showed as a whole the relation between the Parliamentary demands and the King's line of defence, and also implied an underlying significance the line had for the King's side.

> "The Propositions.....do import so great alterations in government both in the Church and Kingdom, as it is very difficult to return a particular and positive answer,.....whereby he can answer to God that a safe and well-ground peace will ensure (which is evident to all the world can never

15) Quoted in *ibid.*, p. 195.

16) Charles did not talk comprehensively of his views on power. His fragmentary statements which enable us to assume his inclination toward the doctrine of Divine Right are found in Davies, G., *The Early Stuarts, 1603–1660*, 1937, pp. 32 ff.

17) Cf. Tanner, *op. cit.*, Chap. V.

> be, unless the just power of the Crown, as well as the freedom and propriety of the subject, with the just liberty and privileges of Parliament be likewise settled) :.....His Majesty assure them, that as he can never condescend unto what is absolutely destructive to that just power which, by the laws of God and the land, he is born unto;..... "[18]

The "government" to be for Charles as the requirement to retard the "alteration" which "the Propositions" of Parliament contained and to bring about the peace was the Tudor structure of power which was harmoniously "sellted" the King's power with "the liberty and privileges of Parliament". However, attention should be taken that not only "the just power of the Crown" was specified as the King's inherent right to be the entirety of the absolute one "by the laws of God" and the restrictive one by the laws of "the land" corresponding to the said power structure but also it was asserted that the act of King had to be answerable "to God". This is only one step away from the clearly theocratic expression in the proclamation of Charles for the dissolution of his first two Parliaments.

> Of the dissolution of Parliament, "as of his other legal actions, he is not bound to give an account to any but to God only, whose immediate lieutenant and vicegerent he is in these his realm and dominions by the divine providence committed to his charge and providence "[19].

As long as Tudor structure of prerogative admitted the absolute prerogative "outside the law", particularly the emergency prerogative, its conversion through the judgement of law-officers to the use of Stuart absolute power "override the law" was theoretically possible on the extension of the former and therefore in effect depended only on the balance of actual powers. Moreover, when such use of the absolute power was gaining wider ground, the Divine Right, as far as it was the theoretical rationalization of the former, was possible with no substantial change beyond such reality. The following two statements, which Charles sent to his second and third Parliaments at March, 1626 and March, 1628, suggest the whole sequences from the confirmation of the King's right to call and dissolve the Parliament as the absolute prerogative in Tudor structure of the power to its transcendence, by making the emergency power a hold on the same undelying tone as the law-offiers' theory of absolute power, into an over-all absolute power which denied the Parliament itself, and moreover to the sublimation of the latter into the Divine Right of King in direct relation with God.

"Remember that Parliament are altogether in my power for their calling,

18) *The King's First Answer to the Propositions presented at Newcastle,* printed in Gardiner (ed.), *op. cit.*, pp. 306–307.

19) Quoted in Davies, *op. cit.*, p. 32.

sitting and dissolution; therefore, as I find the fruits of them to be good or evil, they are to continue, or not to be[20].

"Every man now must do according to his conscience, wherefore it you [the House of Commons] (which God forbid) should not do your duties in contributing what this state at this time needs, I must, in discharge of my conscience, use those other means which God hath put into my hands, to save that the follies of particular men may otherwise hazard to lose. Take not this as a threatening, for I scorn to threaten any but my equals"[21].

In conclusion, it can be said that the Tudor structure of prerogative was the prerequisite of the exercise of Stuart absolute power, and when the King's answer put the line of defence on the former, it was not only for convenience controlled by the circumstances but also it was intended to protect the very prerequisite that enabled the prerogative to grow into full absolute power. It is suggestive in this respect that almost all the few Royalist theoreticians during the Revolution supported the absoluteness of the King's power but did not develop the clear-cut doctrine of the Divine Right of Kings and theoretically rather approved the Tudor doctrine of prerogative. The Tudor structure of power so far as it contained the perspective of the transcendence into the exercise of absolute power; this was the power structure which the King's answer suggested.

We have confirmed the power structure to be for the King's side which was as it were 'the head' of their view on social regime. Then the question is how the normative relations to be for the King which maintain and dictate the said power structure and the mode of its action, and the economic basis of the power which basically regulates such normative relations, are conceived by the King's side. It is only when we boil down to these points that we can talk about the Royalists' view as whole.

The following sentence of *The King's Proclamation condemning the Militia Ordinance* on 27th May, 1642 is really symbolic.

"……To the King it belongeth, and his part it is *by his royal seignority* straightly to defend wearing of armour and all other force against the peace, *at all times when it shall please him*, and to punish them which do the contrary according to the laws and usages of the realm, and hereunto all subjects *are bound to aid the King as their sovereign lord*, at all seasons when need shall be…… ……We being desirous, by all gracious and fair admonitions, to prevent that some malignant persons in this our Kingdom do not by degrees, seduce our good subjects from their due obedience to us……"[22]

20) Printed in Hill and Dell (ed.), *op. cit.*, p. 144.
21) *L. J.*, III, p. 687, printed in *ibid.*, pp. 144–145.
22) *The King's Proclamation condemning the Militia Ordinance*, printed in Gardiner (ed.), *op. cit.*, p. 248.

What is the problem for us here is not that this was the confirmation of the King's prerogative of supreme command as an action of sovereignty and his right to dispose of the person by law, but the definition of the relationship between the King and the subjects as a stay of these rights of the King which was given therein. I will elaborate upon what is meant by referring to the statement of Bishop Goodman that presents the view for absolute power in connection with the basic relation between the King's power and the subjects. Goodman says by quoting the words of the Earl of Essex as follows:

> King has, in his land, not only "his rent", as other men do, but "his sovereignty" (sovereign lordship). ".....It was a greater tie of obedience to be a tenant to the King than to be his subject; for as a subject he did only obey him according to his laws, but as a tenant he was ready upon all occasions to serve him....."[23]

In general, to be the tenant was the attribute of personality of him to whom the King granted the land and it was inseparable from holding land, while to be the subject was the attribute of the people in general of the kingdom. However, here attention must be paid to the particular differentiation between the tenant who was obligated to the absolute obedience (service) and the subject who had the duty to obey only the law. According to Goodman, practically all the subjects were specified as the tenants having the obligation of absolute obedience, because from his viewpoint, "all the lands in the kingdom either mediately or immediately were held from the crown·····, and here the Court of Wards was such a tie upon the subject as no king in the world ever had the like....."[24]

Therefore, the King's power which "was derived immediatelly from God" was defined as the supreme sovereign lordship and it could substantially exist only by organizing and putting under control the subjects as tenants. As mentioned already, in the Tudor doctrine of prerogative too the subject was the tenant. However, there, the single specification to be the tenant required the obligation of obedience to the King's power, under the law as to propriety and liberty and absolutely as to matters of state. The difference is that what were inner two phases of the tenant were made, in Goodman, exposed as the difference between the subject and the tenant, and the total absoluteness of the King's power, differed from the Tudor type prerogative, was justified by making the tenant into the single phase of absolute obedience[25]. In any case, it is possible

23) Bishop Goodman, *The Court of King James I*, printed in Hill and Dell (ed.), *op. cit.*, p. 122.
24) *Ibid.*, p. 121.
25) This distinction between the subject and the tenant corresponds to the reality that on one hand the resistances against the Crown by means of the law were developing and on the

here to clearly confirm that both the Tudor doctrine of prerogative and the theoretical vindication of the Stuart type exercise of the absolute power defined the King's power as the sovereign lordship organizing and putting under control the subject as the tenant.

The said *Proclamation* of Charles was based on the Tudor doctrine of prerogative. When it said that "all subjects are bound to aid the King as their sovereign lord", the subjects there were the tenants find themselves inside the said organization, and from the viewpoint of Charles "all subjects" were "bound" as such. What the organization of all subjects being bound as tenants means is already clear for us; it was the entirety of the multi-layer system of landhold and the status ladder structure of various service obligations as the personal aspects inseparable from the former. The King's power above all was the sovereign lordship standing out of this organization.

However, needless to say, this system-organization should be consistent through the entirety of these firstly in the relation between the King and the mesne lords as the tenants *in capite* and secondly in the relation between the latter and the peasants as their tenants. Here, it is necessary to lower our focus by one stage from the viewpoint of King Charles to that of Royalist landlords under him. How did the self-justification which they claimed as should be in the relation, on one hand, with the King and on the other hand with the peasants correspond to the viewpoint of Charles?

What was said by Sir Edmund Verney who was referred to by Mr. G. Davis as the typical pattern which probably applies to numerous Royalists was as follows:

> "I do not like the quarrel, and do heartily wish that the king would yield and consent to what they [Parliament] desire; so that my conscience is only concerned in honour and gratitude to follow my master. I have eaten his bread and served him near thirty years, and will not do so bare a thing as to forsake him; and choose rather to lose my life (which I am sure to do) to preserve and defend: Those things which are against my conscience to preserve and defend....."[26]

The first sentence at the beginning is not an unconditional approval of the Parliamentary demands and it does not mean anything more than simply the return to such harmony between the King's power and the Parliament when we observe his power view by which he says, "I beseech you consider that majesty is sacred; God sayth 'Touch not my annoint-

other hand the King's power was in the direction of oppressing such resistance and organizing and placing the people into absolute obedience (cf. *ibid.*, p. 122).

26) *The Life of Edward, Earl of Clarendon.....Written by Himself*, 1857, I, p. 135, quoted in Davies, *op. cit.*, p. 124.

ed' "[27], in his letter to Sir Rulf Verney. What is important here is that the decision of his selection of party was made by the very sense of his duty to serve to Charles, (which should be said here a feeling before a theory)[28]. In general, this "feeling" of the Royalist landlords was determined to a certain degree basically by their position in their relation with the peasants. When we said that the transformation of the landlord economy from the feudal exploitation to the bourgeois exploitation was taking place, it included the approval of the fact that there existed landlords in different stages of development; some still staying in the former stage, others in the bourgeois stage. Mr. C. Hill observed this referring to the old-style landowners as follows.

> ".....It was not mere stupidity or ignorance that made many old-style landowners oppose the new techniques of estate management as long as possible. There was a clash of social system, of the old order in which wealth and power were measured in terms of men against the new..... 'Improvement' of estates meant depopulating enclosures, eviction of tenants to make way for sheep.....; whereas the social prestige of a great Lord like the Duke of Newcastle was due mainly to his army of retainers and servitors. Indeed in the turbulent north and west——the royalist areas in the civil war ——landlords in the sixteenth century still needed a social structure which provide for the military defense of their properties". Under those circumstances, "quitrents had not amounted to the full market value of the land, because it assumed that military service was an additional obligation on the tenant "[29].

The old-style landlords who depended upon the old fashioned landlord-peasant relations; such relations had a certain reality in some regions. In most regions too where the bourgeois development had assumed inherent tendency, there still partially remained in the stale mode of estate management of some obstinates (who were doomed to downfall) in particular in their ideas. It is hoped to comprehend what is suggested by the following words of Sir Edward Walker who was a Royalist landlord of the under-developed Cornwall.

> "The gentry of this county [Cornwall] retain their old possessions, their old tenants, and expect from them their ancient reverence and obedience. And.....if many of the nobility and gentry of this unhappy Kingdom had not fallen from the lustre, virtue and honour of their ancestors,.....but had paid the awful reverence to the Majesty and greatness of their sovereign as

27) *Memoirs of the Verney Family* (ed. by Verney, F. P., 1892), Vol. II, p. 136, quoted in Davies, *op. cit.*, p. 124.

28) Edmund Ludlow wrote referring to the motive of Sir Edward (Edmund ?) Verney to join the Royalists army, ".....as I have heard....., not out of any good opinion of the cause, but from the sense of duty which he thought lay upon him, in respect of his relation to the King". *The Memoirs of Edmund Ludlow* (ed. by Firth, C. H., 1894), Vol. I, p. 43.

29) Hill, C., "The Land in the English Revolution", *Science & Society*, Vol. XIII, No. 1, pp. 33-31.

they ought, they might have expected the same proportionally from their inferiors and tenant; and.....they might have had them their servants and then I believe this war, which.....is.....to destroy the King, nobility and gentry, in probability had not been"[30].

What Walker considered to be the ideal relation of reverence and obedience, toward the King by the mesne lords, and toward the landlords by the tenants was the very foundation of the King's power to be for Charles, the basis of Verney's 'conscience' or the said hierarchical organization of personal services (and its entirety with the multi-layer system of landhold as its meterial aspect). From Walker's viewpoint, as long as this proportionate relation where the "greatness" of the King's power and the "lustre, virtue and honour" of the landlords actually functioned, "they might have had them [the tenants] their servants" and thus there should not have been the Revolution. Here, the economic foundation of the organzation is clearly presented: the "old" relation between the landlord and the peasants, the fettering the peasants to the obedience to the landlord,—— the maintenance of the specification of the peasants as mere landholders. In under-developed Cornwall, this basis was still maintained. To defend and maintain this foundation itself was the "deep secret" of the Royalists view on social structure and fundamentally defined the King's demands and the actions of individual Royalist landlords along the said organization constructed on this foundation. There exists the core of the following short description by a Parliamentary leader on the Royalists.

"What vast numbers depended upon the king.....; how many of the nobility and gentry were contented to serve his arbitrary designs, if they might have leave to insult over such as were of a lower order....."[31]

It is not by chance that we can find the following sentence in the letter from a Royalist to the Verney family in the year when the Civil War broke out.

Vulgar men are saying the gentry "have been our masters a long time and now we may chance to master them, and now they [the lower classes] know their strength, it shall go hard but they will use it"[32].

Whether the foundation was stable as in the case of Cornwall or was in commotion as seen here, what penetrated through the consciousness of the Royalists was always one: namely to maintain this foundation. It can be said that the same thing was behind the Verney's sense of duty to serve to the King and his party selection. The said relation

30) Walker, Sir Edward, *Historical Discourses*, p. 50, printed in Hill and Dell (ed.), *op. cit.*, pp. 263–264.
31) *The Memoirs of Edmund Ludlow*, Vol. I, p. 96.
32) *Verney Memoirs*, Vol. II, p. 69, quoted in Davies, *op. cit.*, p. 124.

supported by this foundation was what affected specifically the formation of the Royalist camp. Attention to what is meant by the well-known testimony of Richard Baxter.

> "A very great part of the knights and gentlemen of England in the several counties.....adhered to the king.....And most of the tenant of these gentlemen.....did follow the gentry and were for king"[33].

What is referred to here is the very relation which were functioning upon the reality connecting the King, the landlords and the peasants. The "several counties" where these phenomena were observed can be considered such the under-developed area as Cornwall where the foundation were relatively stable.

The multi-layer system of landhold and the hierarchical organization of services which were constructed on the economic foundation of the traditional landlord-peasants relation. These system and organization were the thing which stayed the King's power, and at the same time the supreme necessity[34] itself to keep in order and maintain them through the State-will was the matter which regulated the exercise of the King's power either in the form of Tudor type or Stuart type as the case might be. In this sense, these system and organization were also the norm that regulated the structure and mode of action of the King's power. And lastly the already conceived structure of[35] the King's power as the supreme sovereign lordship towering over the said foundation. The entirety of these was what the *ancien régime* should be for the Royalists and was the content of their view on social structure. The basic standing of Charles' answer quoted at the beginning was to refuse all reform on such *ancien régime* itself.

Let us examine the King's reply which belonged to the second group. We have already confirmed the basic viewpoint of the Royalists. It is

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33) Baxter, R., *Autobiography* (Everyman's edn. 1931), p. 34. Also attention the following story by Ludlow referring to the movement of Royalist gentry of Inns of Court at the break-out of the Civil War. "Many gentlemen of the Inns of Court were tamper'd with to assist him [King Charles I] in his design, and.....one of them said publicly in my hearing: 'What! shall we suffer these fellows at Westmineer thus? Let us go into the country, and bring up our tenants to pull them out'", *The Memoirs of Edmund Ludlow*, Vol. I, p. 23.

34) From this point of view, it is possible to understand what the "law" mean for the King. In the Tudor period when the system and organization were stable, the Common Law could be simply the law, although at this stage the equity courts were already being developed to supplement this law. However in the critical Stuart period, the Common Law was to be overcome by the equity courts–the King's will. At this stage, it was asserted that the "King's will" itself shouid be "the law". (Cf. *Argument of Sir R. Berkeley in the Ship-Money Case*, printed in Gardiner [ed.], *op. cit.*, pp. 121–122). However, despite these different forms of revelation, it was still the said system and organization that specified them all. In this sense, it can be said that the multi-layer system of landhold themselves was as it were the "law" which the King should observe beyond respective positive laws.

35) As to the basis of our method of comprehension from the economic foundation to the power, refer to Marx, *op. cit.*, Vol. III, p. 772.

sufficient here to simply discuss with focus placed on how it was revised or insisted upon by a certain "concession".

At this stage, the Royalists as the actual political power had been already ruined, and the King was the prisoner of the Parliament. *The King's Third Answer to the Propositions presented at Newcastle* in May, 1647 was prepared as the evidence that the King under these circumstances "hath diligently employed his most endeavours···so···, that he might be able to give such answers···as would be most agreeable to his Parliament"[36]. Then what content did it show? First, it gave approval to the act prepared by the Parliaments concerning the finance, provided however that "his [Majesty's] will be therein concluded"[37]. Even if this is interpreted to the maximum, it was nothing but the affirmation of the traditional interference right of the Parliament into the matters of propriety, and the rehabilitation to harmony in such between the prerogative and the Parliament. As to the supreme command, after having insisted that the power was "the prerogative of the Crown which is absolutely necessary to the kingly office", it agreed with the act of Parliament "for the space of ten years only"[38]. (Compare with the "twenty years" in *The Propositions of Newcastle*.) What was decisive was the condition that "afterwards [the space] to return to the proper channel again, as is was in time of Queen Elizabeth and King James of blessed memory"[39]. The core of the Parliamentary demands in *The Propositions of Newcastle* which aimed to make the King's Power to command the forces just nominal by denying his veto against the Parliamentary acts even after the expiration of the 20 years was completely denied here. What Charles premised was still the prerogative of supreme command "which is absolutely necessary to the kingly office". Moreover, as for the punishment of delinquents, he did not "reconcile··· but this he well knows, that a general act of oblivion is the best bond of peace"[40]. The difference between the Parliamentary propositions and the King's answer was not merely in the scope of oblivion, but in that whereas the Parliament assuming "the armed rebellion against the Parliament" as "high treason", naturally requested the exclusion of major faction of the Royalists from the oblivion, the oblivion which Charles talked about was the one covering both the Royalists and the Parliamentarians which premised *a priori* the illegality of the actions of the Parliamentarians. As to the appointment

36) *The King's Third Answer to the Propostitions presented at Newcastle*, printed in Gardiner (ed.), *op. cit.*, pp. 311, 313.
37) *Ibid.*, p. 314.
38) *Ibid.*
39) *Ibid.*
40) *Ibid.*, pp. 314–315.

of officials, "His Majesty……will gratify his Parliament all that possible he may without destroying the relations which are necessary to the Crown "[41]. Of course it is clear what this limitation meaned. Regarding the important matters to be reconfirmed when we discuss later the propositions of Parliament, the above are all the 'concessions' the King gave. However, here nothing among the prerogatives which were essential to Charles' so-called "kingly office" was given up. What existed behind the ambiguous expression was still the afore-mentioned basic standing.

During the time from this answer until *The King's Answer to the Propostitions of Parliament* in September, 1647, *The Heads of the Proposals* by Independents was presented and at the same time, the Presbyterians in Parliament sent to the King the revision of *The Propositions of Newcastle*[42]. The King's answer was addressed to the latter. The coexistence of the two peace proposals by Parliamentary side seemed to give a chance to Charles who had written in his private letter addressed to Lord Digby in March, 1646, "I am endeavouring to get to London……being not without hope that I shall be able so to draw either the Presbyterians or Independents to side with me, for extirpating the one or the other, that I shall be really King again "[43]. This reply stated, "In many respects more disagreeable to the present condition of affairs than when they were formerly presented", after having confirmed that the "propositions of Parliament" was "the same in effect" as *The Propositions of Newcastle*[44]. Here, for the reason that the "condition" had changed, he himself virtually discarded *The King's Third Answer to the Propositions presented at Newcastle.* What was important was that he make it the reason that the propositions were "destructive to the main principal interests of the army "[45]. Further he continued that "the Proposals of the army… may be a fitter foundation for a lasting peace than the Propostitions [of Parliament]"[46]. There is no reason why we should judge that the Independents' proposals were better than the Presbyterians' from the basic viewpoint of the King. What this reply showed was nothing but the Charles' effort to "be really King again" and the fact that he selected the Independents for the time being. It is more clearly understood that this selection does not depend upon the principle if we consider the fact that the King had been transferred from the Presbyterians' Parliament to the Independents' Army

41) *Ibid.*, p. 315.
42) This revision is, according to Gardiner, "differing only in a few unimportant particulars" as compared with *The Propositions of Newcastle.* Gardiner (ed.), *op. cit.*, Introduction, p. xvii.
43) *Letters of Charles I*, p. 176, (Charles I to Lord Digby, March, 1646), printed in Hill and Dell (ed.), *op. cit.*, p. 371.
44) *The King's Answer to the Propostitions of Parliament*, printed in Gardiner (ed.), *op. cit.*, p. 326.
45) *Ibid.*, p. 326.
46) *Ibid.*, p. 327.

by his seizure by Cornet Joice in June.

The letter of Charles I to the Speaker of the House of Lords in November, 1647, in addition to carry again the similar contents to that of the *Third Answer*, especially flattering *The Heads of the Proposals* admitted the abolishment of the Court of Wards & Liveries and proposed even the sale of the Forest for the arrears of the Army although refusing the disposals of the delinquents' lands[47]. But we shall no longer get into its details as its meaning is well shown by the whole development from that time on: first on 14th December Parliament, neglecting the "concession" of this letter, presented to the King *The Four Bills*[48] which comprehended all the contents of Parliamentary demands and then on 28th December Charles sent the flat refusal[49] taking back all the concessions including the previous answers on the resort of conclusion of a secret engagement[50] with Scottish Commissioners, and at last the Parliament on January, 1648 adopted *The Vote of No Address*[51].

III 'Two Programs' in the English Revolution

Now, let us study the propositions of the Revolutionaries. The three groups which constituted the Revolutionary camp: Presbyterians, Independents, and Levellers, had respectively more or less comprehensive propositions. However, the so-called Parliamentarians, and the Levellers presented in their respective propositions the different solutions of the general problem of bourgeois reform. We will treat these two groups separately and then ascertain their interrelated positions.

1. Economic and Political Structure of Presbyterians' and Independents' Proposition——The Program for Landlords

Here, I will examine first the pan-Parliamentarian program presented by Parliament before the apparent conflict between Presbyterians and then in comparison with this the respective programs of two parties, in order to comprehend correctly the basic standings of Parliamentarians without being dazzled by the trivial differences in details.

47) *Letter of Charles I to the Speaker of the House of Lords*, printed in *ibid.*, pp. 330–331.
48) *The Four Bills sent to the King in the Isle of Wight to be passed, together with the Propositions.....*, printed in *ibid.*, pp. 335–347.
49) *The King's Reply to the Four Bills and the accompanying Propositions* (28th December, 1647), printed in *ibid.*, pp. 353–356.
50) *The Engagement between the King and the Scots* (26th December, 1647), printed in *ibid.*, pp. 347–352; *Additioned Articles of the Engagement* (26th December, 1647), printed in *ibid.*, p. 353.
51) *The Vote of No Address* (17th January, 1648), printed in *ibid.*, p. 356.

A Pan-Parliamentarians' Program

The Propositions of the Houses presented to the King at Oxford, and subsequently discussed at the Treaty at Uxbridge. (24th November, 1644.)

From 1640 till the presentation of these *Propositions*, there had been three precedent requests or propositions prepared by the Parliament: *The Grand Remonstrance* adopted by the House of Commons on 22nd November, 1641, *The Nineteen Propositions sent by the two Houses of Parliament to the King at York* handed over to the King on 1st June, 1642, and *The Propositions presented to the King at the Treaty of Oxford* handed over on 1st February, 1643. These three were not only almost the same as *The Propositions of Uxbridge* in their underlying tone but also the latter contained in summary all the important matters of the former (in particular the latter was practically identical to *The Nineteen Propositions*). Moreover, some new important matters were added thereto. In this sense, *The Propositions of Uxbridge* was the most comprehensive and complete program of the Parliament in the early stage of the Revolution. At the same time, as understood in the following, this *Propositions* were significant in that they were the originals of the programs of both Presbyterians and Independents and showed the basic principles upon which the parties in Parliament almost agreed.

From the major clauses on the power structure in *The Propositions of Uxbridge*[52], which, however, seem at first sight to be sundry, we can deduce a certain consistent picture of the power structure from the viewpoint of Parliament.

First of all, Article 11 stipulates that the Parliament controls public finance. I have already pointed out that in the Tudor structure of prerogative, the financial right belonged to the rights of "King in Parliament" which could be exercised only by the triple approval of the King, House of Lords and House of Commons, and that the approval of the Parliament was one of the indispensable elements of the financial right. However, here, it is not that the Parliament is opposed to the Stuart exercise of absolute power from the viewpoint of this original Parliamentary right (medieval constitutionalistic viewpoint) but that the Parliament wants to make itself the entity of the financial power. Royal assent is automatically expected to "an Act or Acts for raising money as shall hereafter be agreed on by both Houses of Parliament", and becomes just a formality. This program further proceeds from the matters of private rights which are of traditional Parliamentary powers to the right to appoint officials, religious right, diplomatic rights, prerogative of supreme command etc.

52) *The Propositions of Uxbridge*, printed in Gardiner (ed.), *op. cit.*, pp. 275–284.

which belong to the rights of "King outside the Parliament" and the absolute rights which are indisputable for the Parliament. Article 20 stipulates the transfer of the power to appoint officials to the Parliament. The official functions enumerated there cover all the important official positions in the judicial, administrative and financial fields[53]. All powers exercised by these officials are put under the control of the Parliament and they are made to be originated in principle only from the power of the Parliament. In Article 3, the religious power of the King as the head of church is denied by the abolition of the Anglican Church and Prelacy. The reformation of religion "settled by Act of Parliament" which is stipulated by Article 5 shows that the Parliament wishes to take over to a certain extent the actual religious right as long as the interference by the civil magistracy in matters of religion is premised while it does not mean the complete destruction of the religious power of the magistrate that can only be realized by leaving the church organization to the completely free will of the believers. By Articles 22 and 23, diplomatic prerogative is transferred, and moreover, the prerogative of supreme command which was the very force to support these prerogatives is also transferred to the Parliament under Articles 15, 16 and 17. Raising any forces "without authority of both Houses of the Parliament" shall be "high treason", and it is something in which "His Majesty" can no longer interfere. Here the standpoint of Parliament is clearly shown[54].

Besides the above, this program took as established fact for premise that the abolition of Court of Star Chamber and Court of High Commission[55], and the *Triennial Act* (confirmation of automatic convention of the

53) Cf. Jenks, E., *A Short History of English Law*, 1912, Chap. VI; Plucknett, T. F. T., *A Concise History of the Common Law*, 1937, Part II, Chap. VII.

54) Already at the time of rebellion in Irland in June, 1642, the Parliament enforced to grasp the power of supreme command by issuing *The Militia Ordinance.* In reply to Charles' protest against this Ordinance the Parliament declares as follows. There are no statutes nor laws which are enable the King to "make void the Ordinance agreed upon by both Houses of Parliament". "Notwithstanding that His Majesty hath refused to give his consent to that Ordinance, but ought to be obeyed by the fundamental laws of this kingdoms". "The High Court of Parliament is not only a court of judicature, enabled by the laws to adjudge and determine the rights and liberties, against such patents and grants of His Majesty as are prejudicial thereunto,.....; but it is likewise a council, to provide for the necessities; prevent the imminent dangers, and preserve the public peace and safety of the kingdom, and to declare the King's pleasure in those things as are requisite" (*Declaration of the House in Defence of the Militia Ordinance*, 6th June, 1642, printed in Gardiner (ed.), *op. cit.*, pp. 254–258). The Parliament launched from the "High Court" handling the matters of propriety and liberty to that controlling the matters of state, above all emergency power. So long as the veto of the King is denied, the power of the Parliament is in fact absolute. Here, the basic attitude of the Parliament is clearly shown without reserve.

55) *Act for the Abolition of the Court of Star Chamber* (5th July, 1641); *Act for the Abolition of the Court of High Commission* (5th July, 1641), printed in Gardiner (ed.), *op. cit.*, pp. 186–192.

Parliament)[56], which had been already approved by the acts of Parliament before the Civil War. Thus, the Parliament appears to be the autonomous power subject (or sovereign) *de facto* to cover all matters of state and of propriety and liberty. The King is contained inside the Parliamentary power so long as he materializes *post factum* by his personality the will of this power entity which is expressed in the name of the law of the land (the fundamental law) and remains to be the symbol being denied the position as the source of the substantial value. Moreover, here, attention is to be paid to the fast that the power of Parliament is presented only in conflict with the King's power and that it does not refer to the basic principle of the power relation between "Parliament in which each subject's vote is included" and the "subject". What kind of subject's vote this program premises is shown in that "the election of the freeholders of each county" since the 15 th century had been reconfirmed by the *Triennial Act*[57]. In respect only to the point that the Parliament represents the freeholders, the Parliament remains the same as the traditional one, and it is premised tacitly that the Parliament as such is "the subject" itself. In the sense that the supremacy of the Parliamentary power is pushed forward under such premise, this power of Parliament can be described as Parliamentary sovereignty. In other words, the picture of power drawn by this program is to establish a limited monarchy based upon the Parliamentary sovereignty (the freeholders' votes).

What is then the norms for the Parliamentarians which prescribe and support the power structure centered around the Parliament of power entity as expressed by *The Propositions of Uxbridge*? The following words given by John Pym, early leader of Parliamentarians, at Strafford's trial held in April, 1641, show the logic of the Parliamentarians in this respect at the starting point.

> "It is the law that doth entitle the King to the allegiance and service of his people; it entitles the people to the protection and justice of the King. It is God alone who subsists by himself all other thing subsits in a mutual dependence and relation.
>
> The law is the boundary, the measure betwixt the King's prerogative and the people's liberty.....If the prerogative of the King overwhelm the liberty of the people, it will be turned into tyranny; if liberty undermine the prerogative, it will grow into anarchy.
>
> The law is the safeguard, the custody of all private interest, your honours, your lives, your liberties and estates, are all in the keeping of the law....."[58]

56) *An Act for the preventing of inconveniences happening by the long intermission of Parliament* (15 th February, 1641), printed in *ibid.*, pp. 144–155.
57) *Ibid.*, p. 149.
58) Pym's speech at Strafford's trial, printed in Hill and Dell (ed.), *op. cit.*, p. 220.

First of all, one should note that the traditional view of harmony between the King's prerogative and the people's freedom, namely the privileges of Parliament, (medieval constitutionalism) still remains here. The early resistances of the Parliament had distinctive elements of objection to the traditional social view against the destruction of this harmony (the invasion of absolute power into the propriety and liberty of the subjects) rather from the side of the King. In this respect, it can be said that there was a difference of one step between the early resistances and the total advancement toward the Parliamentary sovereignty following *The Grand Remonstrance.* However, here, at the same time, one point which exceeds the traditional view is clearly shown. Here, the law is the absolute norm which overrules both the prerogative and the Parliament. Unlike the Tudor doctrine of royal prerogative, the absolute prerogative "outside the law" is not allowed and the prerogative is made entirely subject to the law. When the content of law is enriched as the system of protection of the "private right" and "liberty and property" under the premise of absoluteness of the law, the property right is no longer a part of this multi-layer system but it covers already the fact that the absoluteness of the law corresponds to the absoluteness of "private right" which substantially constitutes the law. It goes without saying that by law is meant here the Common Law. This reasoning making the Common Law comprehended at the feedom of the property right as the fundamental law ("bourgeois reinterpretation" of Common Law[59]) was common among the ideologues of Parliamentary resistance after Edward Coke[60]. The absoluteness of property right (private ownership)——the absoluteness of the law——the subordination of King's power to the law, this logic can be easily shifted to the justification of the absoluteness of the Parliament which "declares the law". This is shown by the fact that *The Declaration of the Houses in Defence of the Militia Ordinance* justified the Parliamentary ordinance as one which "ought to be obeyed by the fundamental law", and denied the King's veto.

"When the Lords and Commons in Parliament··· shall declare what the Law of the Land is", in March, 1642 the resolution of both Houses declared, "to have this not only questioned and controverted, but contradicted, and a Command that it should not be obeyed, is a high Breach of the Privilege of Parliament"[61]. This absolute legislative power of the

59) Hill C., "The Norman Yoke", in Saville, J. (ed.), *Democracy and the Labour Movement*, 1954, p. 21.

60) Cf. Gough, J. W., *Fundamental Law in English Constitutional Hirtory*, 1855; Peacock, J. G. A., *The Ancient Constitution and Feudal Law; A Study of English Historical Thought in the Seventeenth Century*, 1957.

61) *L. J.*, IV, 450 (Zagorin, *op. cit.*, pp. 191–192).

Parliament can be said to be the pivot of the various powers exercised under the Parliamentary acts which were the very contents of the power picture presented by *The Propositions of Uxbridge*. The inclination to secure the power starting from the protection of property was the thread which ran through the Parliamentary resistance in *A Petition of Right* (1628) and the Ship-Money Case (1637) to *The Propositions of Uxbridge*[62].

The power picture of this program was drawn on the norm of freedom of property——system of private ownership. Please note here that there was a correspondence between the fact that the main object which the Common Law protected as property was freehold and the one that "the votes" represented by the Parliament was principally the freeholders'. What contents the freedom of property as such was given in this program will be studied later. In any case, the confirmation of this norm for the Parliamentarians is the premise necessary for the consistent understanding of the power provisions and the articles of land problems.

The provisions concerning agricultural and land problems in this program can be summarized in the following two points; first, the provisions presenting a unique method for the dissolution of the feudal land proprietary system, and second, the provisions for the disposal of delinquents' estates.

62) "It is", stated Sir Dudley Digges, a member of the Drafting Committee for *The Petition of Right*, "an undoubted and fundamental point of this so ancient a law of England, that Subjects have a true Property in their Goods, Lands and Possessions: The Law preserves as sacred this *Meum* and *Tuum*, which is the Nurse of Industry, and Mother of Courage; for, if no Care of Defence, without this *Meum* and *Tuum*, there can be neither Law nor Justice in a Kingdom; for this is the proper object of both" (*L. J.*, III, 718, quoted in Gough, *op. cit.*, p. 62).

In the "Ship-Money Case" also, Henry Parker and Oliver St. John said defending John Hampden's case as follows:

Prerogative exercised in taxation "destroys all other law, and is incompatible with popular liberty: and such art hath been used to deny, traverse, avoid or frustrate the true force or meaning of all our laws and charters....." (Parker, H., *The Case of Ship-money briefly discussed*, 1640, p. 2, quoted in Gibb, M. A., *John Lilburne the Leveller*, 1947, p. 47).

Parliament "are fittest for the preservation of that fundamental propriety which the subject hath in his lands and goods, because each subject's vote is included in whatsoever is there done....." (Speech of Oliver St. John, printed in Gardiner [ed.], *op. cit.*, p. 114).

It is not necessary to add any explanation as to the inter-relation between "the laws and charters" as the scaffolds of Parliamentary resistances against the prerogative and "the preservation of fundamental propriety."

By the way, the theoretical ground of my attention to these points can be summarised as follows for the convenience of later arguments. When the new relations of production as being formed within old property relations, they inevitably bring about in fact the new rights-and-obligations relations suitable to them. The entity who resists the *ancien régime* is naturally the bearer of these new relations. These rights-and-obligations relations *de facto* (unauthorized subjective law) should be accomplished into the objective law as the official norm approved by the State-Will. The logic of resisters who wish to assure the State-Will (power) by putting the new property *de facto* at the core of the law to be and pushing it forward as a norm are derived from these. The meanings of "the fundamental law" for the Parliamentarians and "the Natural Law" for the Levellers which we will study later can be understood at these points.

Let us examine the first point. Article 11 of *The Propositions* provided in two clauses:

> "that the King do give his royal assent,.....to an Act or Acts of Parliament for taking away the Court of Wards and Liveries, *primer seisins*, and *ouster les mains* and all other charges incident or arising for or by reason of Wardship, Livery, *primer seisins* or *ouster les mains*;
>
> And for the taking away of all tenures by homage, and all fines, licenses, seizures and pardon for alienation, and all other charges incident thereto, and for turning of all tenures by Knight service, either of His Majesty or others; or by Knight service or socage *in capite* of His Majesty, into free and common socage; and that His Majesty will please to accept, in recompense therof, £ 100,000 per annum"[63].

What meanings had the Court of Wards & Liveries and the feudal tenures which comprised primarily of the tenures by knight service for the *ancien régime* and the economic development proceeding therein has been shown to a certain extent. The King's sovereign lordship is seen as the apex of the multi-layer land proprietorship. The royal prerogative in seen to function as the sovereign lordship to maintain the "Gewere" system. The wardship exercised through the Court of Wards & Liveries upon the estates of the tenants in chief (the mesne lords) had constituted, together with purveyance[64] upon goods and chattels of them and a series of the legislation for the enclosure prohibition executed through the Courts of Star Chamber and of Requests[65], the core of the functions of royal prerogative as direct impediments to the bourgeois development of agriculture (especially the improvement of the landlords estates) and as the immediate restrictions for the land proprietorship of the mesne lord.

The evils of such restrictions on land proprietorship——the regulations by the prerogative from the standpoint of the revolutionary faction in Parliament was stated in a modest way in the "complaints" of *The Grand Remonstrance*:

> "29. Their [subjects'] vexation and oppression by purveyors,.....
> 43. The Chancery, Exchequer Chamber, Court of Wards, and other English courts have been grievous in exceeding their jurisdiction.
> 44. The estate of many families weakened and some ruined by excessive

63) *The Propositions of Uxbridge*, printed in Gardiner (ed.), *op. cit.*, p. 277. As regards the Court of Wards, wardship, and various feudal tenures and incidents thereto, refer Bell, *op. cit.*, Passim.

64) The purveyance was consisted of the royal rights to requisite or purchase forcibly at the arbitrary rates any timber, fuel, cattle, corn, grain, malt, hay, straw, victual, cast, carriage and other things for the Crown. Cf. *Act abolishing Relics of Feudalism and Fixing an Excise*, Art, XII, printed in Adams and Stephens (ed.), *op. cit.*, pp. 424–425. Also refer to Sumita Tetsuji, "Fiscal Feudalism no Hokai to Igirisu Kakumei" (The Collapse of Fiscal Feudalism and English Revolution)", *Shigaku Kenkyu*, Vol. 74, p. 9.

65) Cf. James, M., *Social Problems and Policy during the Puritn Revolution, 1640–1660*, 1930, p. 79.

fines, exacted from them for compositions of wardships.

45. All leases of above a hundred years made to draw on wardship contrary to law.
46. Undue proceeding used in the finding of offices to make the jury for the king"[66].

The general destination of such "complaints" as listed above was most clearly summarized in the following clause of *The Act for Abolishing the Court of Star Chamber* in 1641.

> ".....neither His Majesty nor his Privy Council have or ought to have any jurisdiction, power or authority.....to examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels any the subject of this kingdom....."[67]

What the Article 11 of *The Propositions of Uxbridge* meant is as follows: the land proprietorship of tenant in chief (the largest part of freehold tenure) should be turned into free and common socage[68] and liberated from the legal structure of feudal restrictions and all the interferences derived therefrom, and thus the conveyance, inheritance and any other disposal and utilization of land should be at the liberty of the landowners. In other words, the core of this demand by Parliament is in its attempt to secure legal recognition of the private landownership of the landlord by the denial of the relation between the King's sovereign lordship and the mesne lordship which constituted the upper ring of the multi-layer land proprietorship, in cooperation with the abolition of other regulations by the King's power.

When the land properties of landlords are on the one hand liberated from feudal restrictions by the Crown, at the same time in order that the properties may become a perfect private ownership, it should be on the other hand freed from complaints by the peasant landholders based upon their traditional rights. Because the chains of multi-layer land proprietorship involved also the traditional peasants' rights and so far as the land properties of mesne lords are the lordship (upper ownership) as such in the mutual limitation with the peasants' landholding (lower ownership), these can not be private landownership in the modern sense of the

66) *The Grand Remonstrance*, printed in Gardiner (ed.), *op. cit.*, pp. 212–213.

67) *Act for the abolition of the Court of Star Chamber*, printed in *ibid.*, p. 183.

68) Among the four types of free tenure——frankalmoign, knight service, serjeanty and socage——, socage is distinguished from frankalmoign in that its service was worldly and from knight service in its agricultural character. Besides, the substance of socage was nearly nominal (for example, 1 pound of peppermint or 1 stock of rose, etc.) and sometimes it accompanied no service obligation at all. Its sole incident was fealty which was but nominal unlike homage. It was classified upon whether its obligation was vulgar or honorary into villein socage and free socage, and was also divided in regard to the relation with King into socage *in capite* and common socage. The free and common socage is regarded therefore a private landownership *de facto*. Cf. Holdsworth, *op. cit.*, pp. 28–29; Potter, H., *An Introduction to the Histosy of English Law*, 1923, pp. 129 f.

words. The landlords' demands for the release from the restraints by the peasants' landholding, therefore, were involved naturally in the aforesaid demand for the legal authorization of the private landownership by mesne lords.

However at a glance one can not find any outspoken demands of this kind from the standpoint of landlords for the denial of traditional rights of peasant's holding——the demands for the freedom of enclosure and peasant eviction——in any propositions of all the parties in Parliament. The matter, which obliged them to avoid presenting explicitly such provocative demands was mainly their consideration of the circumstances in those days expressed in such words as "the parliamentary Journals for the years 1640—4 are full of references to enclosure riots"[69]. The Parliament through this period however declared and executed as the matter of fact the protection of the landownership of landlords and their enclosures against the interference of landholding peasantry. By examining this point, we can wash out the other implication of the said provisions of *The Propositions of Uxbridge.*

According to the summary by M. James, the contents of the proclamation of the House of Lords in July, 1641, which depicted the attitude of the Parliament most straightforwardly, were as follows:

> ".....no enclosure which had been in its owners hands on the first day of the present Parliament or formerly should be subject to violent interference. If any disturbance took place, the possessor was entitled by virtue of the present order to summon two justices and such other helpers as he should think fit, and proceed to 'appease and quiet' his possessions"[70].

The definition on the time when the concerned enclosure was made was nothing more than an embellishment worked out from a political considertion. It is evident from the fact that it was only 8 months from "the first day of the present Parliament" until the time when this was discussed. The basic attitude of the Parliament is fully disclosed on this point. What is most substantial here is that the proclamation was presupposing the legality of all the enclosures caried out prior to such a short period and moreover the freedom in general for the enclosing landlords (as if their properties were the private landownership) over the landholding peasantry[71]. This freedom of landownership for the

69) Cf. James, *op. cit.*, pp. 90–94.

70) *West Riding Quarter Sessions Records* (Lister, J. [ed.], 1915), IV, 312, quoted and summarized in James, *op. cit.*, p. 92.

71) Generally the Parliamentary attitude to the enclosure riots in this period was first to suppress them on the presumption of the legality of the enclosure and then, when it became impossible to do so, to limit the scope of legal enclosure by a criteria which was only an embellishment or can be arbitrarily determined by the Parliament and thus to fulfil the said principle. These attitudes can be verified also in the actions of the House of Commons. For

landlords was indeed the indispensable prerequisite of enclosures by them. The relation between the possessors' right to "appease and quiet" their possessions and the above-mentioned freedom of landownership from all the feudal restrictions is evident. What the Article 11 of *The Propositions of Uxbridge* implied and their lack of reference to the peasant's right meant were the very freedom as such, that is the freedom of arbitrary attack on peasant landholdings or the freedom of enclosure.

The denial of the relationship between the King's sovereign lordship and the freedom for the landlords to destroy the old relationship between the landlords (mesne lords) and the peasantry,——through the accomplishment of these two demands, to turn exclusively the land proprietorship of landlords into private landownership,——this was the specific method of the land reform (the dissolution of the feudal land proprietorship) which this program proposed. The contents of 'the property' and 'the freedom of property' as 'the norm' aforesaid can be seen at this point.

Next we shall examine the second point of the provisions concerning to the agricultural and land problems in this program, i. e., the disposal of the delinquents' estates. Article 14 of *The Propositions of Uxbridge* provided in first 6 clauses, the treatment of "person" of delinquents[72]. They can be summarized as follows:

> i, ii and iii. The exemptions of Prince Rupert and 56 others, all Papists and Popish recusants, and the participants in rebellion in Ireland from the Act of Oblivion.
>
> iv and v. The purges from public office of Humphrey Bennet, Esq. and 48 others, and all such members of Parliament, judges and officers, Bishops and other ecclesiastical persons as are against the Parliament.
>
> vi. The persons of all others who take the Covenant shall be unquestioned.

Following these paragraphs, the Article provided for the disposal of "estate" of delinquents:

> "vii. The estates of those persons, excepted in the first three qualifications, to pay public debts and demages.
>
> viii. A third part in full value of the estates of the persons made in capable of any employment as aforesaid, to be employed for the payment of the public debts and damages.....
>
> ix. And likewise a tenth part of the estates of all other delinquents.....; and in case the estates.....shall not suffice for the payment....., where unto they are only to be employed, that then a new proportion may be.....exceed not the one moiety of the estates of the persons made in capable as afore-

example, refer to the proclamation given to the riot of Durham in 1642 (*C. J.*, II, 471, quoted and summarized in James, *op. cit.*, p. 93).

72) *The Propositions of Uxbridge*, printed in Gardiner (ed.), *op. cit.*, pp. 278-281.

said, and.....exceed not a sixth part of the other delinquents.

x. That the persons and estates of all common soldiers, and others....., who in lands or goods be not worth £200 sterling,.....be at liberty and discharged.

xi. That an Act be passed whereby the debts of the kingdom, and persons of delinquents, and the value of their estates may be known; and which Act shall appoint in what manner the confiscations and proportions .....may be levied and applied..... "[73]

Here it suffices to confirm the following points. As we have noted, this program was based on the acknowledgement that Parliament should be sovereign, and from the standpoint of the Parliament as such, all the actions against Parliament should be deemed "high treason". These provisions were therefore not merely financial expediencies but were the conclusions in principle which had been inevitably derived from this basic acknowledgement. This Article clearly indicates the fundamental attitude of the Parliament. To all the financial needs of the Revolution the delinquents estate "are only to be employed". It meant to deprive the King and the class supporting the Crown of their material basis and in contrast with this may be through such deprivation to reinforce the economic power of the class maintaining the Parliament.

Now what was the character and the historical signficance of such agricultural and land program contained in *The Propositions of Uxbridge*? This pan-Parliamentary program which comprised the demands for the abolishment of the Court of Ward & Liveries and the feudal tenures, the freedom of enclosure for the landlords and the deprivation of estates from Royalists, conformed evidently to the line of bourgeois development of agriculture. The conclusions of the foregoing analysis of economic development in 17th century England indicates the following: Without the liquidation of the feudal relation of the land proprietorship and the old land system, the bourgeois development of agriculture would not be feasible, and "capital" was creating a new land ownership (the private ownership) and a new land system (the enclosed land), which were suitable to the conditions of the developing commercial agriculture. The realization of the first point of these demands might result in a full scale creation of private landownership through the abolition of feudal restrictions. The freedom of enclosure was naturally the prerequisite of the "improvements" ——the formation of large farms in substitution for the traditional and stagnant agricultural and land system (the parcelled and intermixed lands, the commons etc.) Further it is also well-known that through a hundred years before the Revolution the vast areas of land were passing from

73) *Ibid.*, p. 281.

the hands of the old-style landowners into the possession of the newly-rising landowners who had been drifting with the stream of bourgeois development[74]. If it is proper to grasp the standard type of the Royalist landlords in the old-style landowners, it can be said that the disposal of the delinquents' estates might be a moment which accelerates the passing of land into land-use by "capital" developing through the changing hands of lands (the land market). From the standpoint of bourgeois development in general of agriculture, this program is undoubtedly progressive.

However the characteristic of this program is not in that, but in the followings: this program intended to turn the land proprietorship of landlords exclusively into private property through the liberation of only the former from the royal regulation without the emancipation of the peasants' landholding from the bondage of lordship and to push forward bourgeois development through the employment of the reserved lordship to the withdrawal of land possessions from the peasantry, and other improvements. This is the proposition of the system of "the clearing of estates" by the landlords and the program to enable the feudal land proprietorship of landlords to survive and to revive as a private land property on the capitalistic grounds,——the program of land reform for the landlords.

Then what was the economic relation to be for the Parliamentarians which conditioned this new land property system (private landownership) in its foundation? We have already known that the formation of a certain bourgeois economic relation was developing in the landlord economy. "Capital" generally requires the land to be private property. However it is meaningful that in this program the land should be a private property not in general but in the nonviolability of freehold (mainly mesne lordship) as the traditional inheritance. This indicates that here the requirement of "capital" was expressed not directly *per se* but immediately through the requirement of the landlord who was still standing inside the system of the old inheritance which contained the traditional difference between the landlord's property and the peasant's and could not separate completely his own standpoint from theirs. In this respect it is suggestive that Oliver Cromwell, when he obtained power, speaking in defense of "the ranks and orders of men, whereby England hath been known for hundreds of years", emphasized that "the landlord" and "the tenant" could not be equal as to the property,[75] and that Colonel Rich saw the same significance in the relation between "the

74) Cf. Tawney, R. H., "The Rise of the Gentry, 1558–1640", in Carus Wilson, E. M. (ed.), *Essays in Economic History*, 1954, Passim.

75) Cf. Abbott, W. C., *The Writings and Speeches of Oliver Cromwell*, 1929, Vol. III, pp. 435–436.

master" and "the servant" at the General Council of Officers at Putney[76]. In the background of these expressions, we can see that such objective actuality as the bourgeois transformation of the landlord economy was revealing itself to the destruction of the peasant's holding from "above" by means of employing the mesne lordship of an inheritance under the character of absolute private property, in other words, by virtue of keeping the feudal relation between the master landlord and the dependant peasants, and reinterpreting the said relation to be the relation between the rightful private landowner and the extitled.

Such bourgeois relation of production that was being shaped through employing jointly the old rights of the landords with their intiative:—— it can be said that when the Parliamentarians presented the demands for the private landownership while comprehending the land as an inheritance, they kept the new economic relation as such in view to the basis of the new land property. And this Parliamentary sovereignty was to be supported by the new land property system and at the same time was the power to justify and maintain the latter through the State-Will. The Crown is deprived the power of its self-sustaining basis and degenerates into the concept of "the salaried King" given a yearly revenue by Parliament to the extent that he serves this system. These were the outlines of the social structure to be realized by the Revolution which was plotted in this program.

B Presbyterians' Program

The Propositions of the Houses sent to the King at Neweastle. (13th July, 1664.)

Now let us take up the Presbyterians' program. *The Propositions of Newcastle* was literally the almost exact second edition of *The Propositions of Uxbridge* except for the addition of a short preamble, several alterations in enumeration order and some modifications. Therefore, it is sufficient here to study the modified or different points which are necessary for our subject for the time being.

The important modifications as to the power provision were made on the following two points:

First, in the Article 12 by providing newly "that if the King doth not give his assent thereunto [Parliamentary Act for raising money], then it being done by both Houses of Parliament, the same shall be as valid to all intents and purposes, as if the royal assent had been given there-

76) Cf. "The Putney Debates", printed in Woodhouse, A, S. P. (ed.), *Puritanism and Liberty: being the Army Debates (1647–1649) from the Clarke Manuscripts with Supplementary Documents*, 1951, p. 72.

unto "[77], the financial power of the Parliament was further strengthened. The royal assent was no longer even a necessary condition for the enactment of an Act or statute by the Parliament.

Second, in the Article 13 the command of forces by Parliament was limited for the time "during the space of twenty years, from the 1st July, 1646". This was clearly one step backward in its approval the King of the Supreme Command in principle. However, even in this respect, by the stipulation "that after the expiration of the said twenty years, in all cases wherein the Lords and Commons shall declare the safety of the kingdom to be concerned, and shall thereupon pass any Bill or Bills···; and if that the royal assent to such Bill or Bills shall not be given···, that then such Bill or Bills so passed by the said Lords and Commons···, shall nevertheless after declaration of the said Lords and Commons···, have the force and strength of an Act or Acts of Parliament··· "[78], the King was denied his veto and his command was made purely nominal.

As to the problems of land and agriculture, the following were the differences and modifications:

First, no demands for the abolition of the Court of Wards & Liveries and the feudal tenures can be found. This seems to be a decisive retreat. However it should be taken into consideration that in February, 1646, prior to this *Propositions*, the *Order of the two House for taking away the Court of Wards*[79] was adopted, and moreover the *Four Bills* which was presented as the re-issue of this *Propositions* in December, 1647 requested the reconfirmation of the said *Order*[80].

Second, some modifications as to the disposals of the delinquents' estates in the Article 16.

> The delinquents' estates as follows shall be taken and employed for the payment of the public need:
>
> "9th Qualification. Ist Branch: that two parts in three to be divided of all the estates of the members of either House of Parliament, who have not only deserted the Paliament, but have also voted both kingdoms traitors and have not rendered themselves before the 1st of December, 1645..... 2nd Branch: that two full parts in three.....of the estates of such late members .....of Paliament as set in the unlawful assembly at Oxford, and shall not have rendered themselves before the 1st of December, 1645..... 3rd Branch: that one full moiety of the estates of such persons, late members.....of Paliament, who have deserted the Paliament, and adhered to the enemies thereof, and

77) *The Propostitions of Newcastle*, printed in Gardiner (ed.), *op. cit.*, p. 293.
78) *Ibid.*, pp. 293, 295.
79) *Order of the two Houses for taking away the Court of Wards*, printed in Gardiner (ed.), *op. cit.*, p. 290.
80) *The Four Bills*, printed in *ibid.*, p. 334, cf. Introduction, xiviii.

shall not have rendered themselves before the 1st of December, 1645.....

10th Qualification. That a full third part of the value of the estates of all Judges and officers [etc.]....., who have deserted the Parliament and adhered to the enemies thereof, and have not rendered themselves before the 1st of December, 1645.....

That a full sixth part of the value of the estates of the persons excepted [from public office]....., concerning such as have been actually in arms against the Parliament; or have counselled or voluntarily assisted the enemies thereof....."[81]

Here, the stipulations for punishment were further detailed, and at the same time, the penalties were greatly increased. It is clear from this point that the Presbyterians did not show any perturbation as to the pan-Parliamentary principle of destroying the material basis of delinquency. However, it is naturally another matter how the Royalists' estates thus secure in the hand of the Parliament should "be taken and employed for the payment of the public debts and damages". As to this point, here an Act was scheduled to be enacted but its contents were not clearly indicated. In order to corroborate the Presbyterians' attitude to the problem, it is necessary to go into the details of the actual progress of the land disposals. Here, standing on the fact that the compoundings of the sequestered lands were progressing at this time, it may be given as a conclusion that the method of land disposal of the Presbyterians was the release of sequestration by compounding, and they allowed only the private sale by the Royalist landlords themslves who were obliged to raise the composition money, this prevented the trespass on the sacredness of private property by the Parliament itself which might be necessary on the occasion of another possible method of sale by confiscation, and they contrived on the one hand to give a blow to the delinquents staying the Crown by levying the composition money and on the other hand to encourage the obtaining lands of the Parliamentary landlords, especially the City merchants, through private sale by warranting their claims as the creditors of public debts and of Royalist landlords. Therefore, in a word, the Presbyterians' methed of land dispossal was a sequestration→composition→private sale system[82].

C Independents' Program

The Heads of the Proposals agreed upon by his Excellency Sir Thomas Fairfax and the Council of the Army··· (1st August, 1647.)

As known from the above title, *The Heads of the Proposals* was prepared

81) *The Propostitions of Newcastle*, printed in *ibid.*, pp. 302–303.
82) Cf. Hill, C., "The Agrarian Legislation of the Revolution", in *Puritanism and Revolution*, 1958, pp. 158–170.

in the name of the Council of the Army[83] and the program of the Army Independents reflecting in particular the intention and will of the Grandees[84]. Here again, the important points of the pan-Parliamentarian program were firmly maintained. I will therefore study only the important modifications and differences.

As to the power provisions, they are found in the following five points:

First, the Article III, 3rd qualification concerning the financial power stipulated that "during the···space of ten years the···Lords and Commons may by Bill or Ordinance" exercise it[85]. Thus, during such period, the financial resolutions by the Parliament are not necessary to be the Acts and no royal assent even nominally is required. Secondly, the Article IV limited the Parliamentary appointment of the officials "for ten years", and provided that "after ten years, they [Parliament] to nominate three and the King out of that number to appoint one··· "[86] This meant the partial approval of King's participation into the administrative organization. Thirdly, the Article II, 1st Qualification defined the term for the Supreme Command to belong to Parliament. This was same as *The Propositions of Newcastle*, but the term was shortened here further to ten years[87]. Fourthly, the establishment of the Council of State was proposed[88]. The members of the Council is assigned by the Parliament and sit for the certain term not exceeding seven years (Article III, 6th Qualification), and the Council provides the "advice" which is the

83) The Council of the Army was organized in opposition to the radical tendency of the Council of Agitators which represented the Army rank and file under the influence of the Levellers and in order to put it under the control of the officers by sending the representatives of them thereto and reorganizing it. (For the time being, cf. Petegorsky, D. W., *Left Wing Democracy in the English Civil War*, 1940, Chap. II.)

The character of this Council for the Grandees to meet the revolutionary enhancement of the soldiers (the Levellers) was also reflected upon the Independents' program.

84) As the documents presented by the Independents officers in dealing with the soldiers' movement, there had been already *A Solemn Engagement of the Army*, 4th June, 1647 (printed in Wolfe [ed.], *op. cit.*, pp 146–153), and *A Representation from his Excellencie Sir Thomas Fairfax and the Army*, 14th June, 1647 (printed in Woodhouse [ed.], *op. cit.*, pp. 403–409). Both of them were for the time being approved also by the soldiers at the general rendez-vous and showed a conspicuous consideration to the Leveller tendency among the soldiers and contained even the parts reflecting in fact the requests proper to the Levellers. *The Heads of the Proposals* was prepared in more comprehensive form of the original program of the Independents transferring thereto the contents of the said two. The part in this program which was connected directly with the violent tendency of the soldiers was some particulars attached to the end, which contained such several requests to solace the soldiers as remedying the inequality of tithes, the payment of the arrears of the soldiers and so forth. However at the same time, it is characteristic that this part was handled as the incidentals differred from "the heads" of the Proposals (*The Heads of the Proposals*, printed in Gardiner [ed.], *op. cit.*, pp. 324–326).

85) *Ibid.*, p. 319.

86) *Ibid.*, p. 320; cf. p. 319, Article II, Qualification 4.

87) *Ibid.*, pp. 318–319.

88) *Ibid.*, pp. 317, 319, 320.

essential condition for the King to call a Parliament extraordinary or to exercise the Supreme Command (Article I, 3rd Qualification and Article II, 2nd Qualification), and hold the power to superintend and direct the particular forces of the militia (Article III, 4th Qualification), and may have "the power as the King's Privy Council" for and in all foreign negotiations (Article III, 5th Qualification). There is no doubt about it that this is the establishment of a kind of executive organization which is absolutely superior to the King and is relatively independent to some extent of the Parliament. Such demand corresponded to the political position of the Independents (especially Army Independents) who were in a minority in Parliaments but gained control anyhow of the power-device of the Army. However, at least as far as is stipulated here, it might be a partial revision of the pan-Parliamentarian principle——"the Sovereign Parliament and the limited monarchy"——but not its opposition. Fifthly the Article I, 1st and 5th Qualifications provided "that Parliament may biennially be called" and "the election of the Commons··· may be distributed to all counties, or other parts or divisions of the kingdom, according to some rule of equality···, or proportion, so as all counties may have a number of Parliament members allowed to their choice, proportionable to the respective rates they bear in the common charges and burdens of the kingdom··· "[89]——Remember that here also the free-holders' franchise in the *Triennial Act* was premised. The remarkable modification was the redistribution of the proportion to the regional tax amounts. This was the modification which was called upon as a matter of course from the said pan-Parliamentarian principles that there should be a correspondence between the existence of the new wealth——the new property as the fruits of the progressing bourgeois development, and the Parliamentary power to represent them.

The important points as to the land problem were the following two:

First, the Article IX required that "the *Ordinance for taking away the Court of Wards and Liveries* be confirmed by Act of Parliament", but it stipulated "provided His Majesty's revenue be not damnified therein "[90]. The last provision can be considered as a trial to leave a room for the negotiation about the "reparation" of which *The Propositions of Uxbridge* had specified £100,000 and said *Order* had not mentioned at all. Second was the modifications about the disposal of the Royalists' estates.

"XV For the matter of composition:

1. [That except the several persons being nominated particularly together with the persons in the Irish Rebellion out of the persons excepted

89) *Ibid.*, pp. 316–317.
90) *Ibid.*, p. 321.

from anmesty in *The Propositions of Newcastle*], all other excepted persons may be remitted from exception, and admitted to composition.

2. That the rates of all future compositions may be lessed and limited, not to exceed the several proportions (from maximum not above a third part to minimum a tenth part).....and that real debts either upon record, or proved by witness, be considered and abated in the valuation of their estates in all cases aforesaid.

5. That in order to the making and perfecting of compositions....., the rents, revenues, and other duties and profits of all sequestered estates whatsoever....., be from henceforth suspended and detained....., for the space of six months following[91].

These particulars shows that the *Proposals* maintained in principle the composition policy to the estates of the delinquent landlords, although here the composition rates were far lower than those in the preceding two programs. The considerations on the "real debts" in the 2ndQ ualification were to prefer the creditors' interest to the payment of composition money. So far as the creditors protection and the composition policy were concerned, this program took the same standpoint as the Presbyterians'. However, at the same time, the 5th Q ualification also shows a little difierent aspect of the *Proposals*. Here, the primary emphasis was placed on the enforcement of composition and its prompt perfection. We can hear therein an echo of the imminent cry for the arrears of pay of the Army. At the same time, the standing of this program pressed by such situation might be charged with a possibility to develop into the demand for the sale of estates of the evaders of composition. What was suggested by the prohibition for certain Royalists to compound in the 1st Qualification was also the sale of their sequestered estates. Such tendency conceived in the Independents' program can be proved in the facts through the studies of actual course of development. It may be given as a conclusion that the Independents' method of land disposal was a system of sequestration→composition→confiscation (of evaders' lands)→ sale, and the method throuugh the said system to admit the creditors' priority proposed by the Presbyterians' method, and at the same time to satisfy the Army arrears and yet limit *de facto* its benefits to the officers (lesser gentry in Army uniform) excluding the rank and file (peasantry in Army uniform). It was the lesser gentry's revised edition of the Presbyterians' method.

Through, may be possible to conclude that, so far as the basic points we discussed are concerned, both Presbyterians and Independents had the same principle and almost the same structure and contents as the program

91) *Ibid.*, pp. 321-323.

of the pan-Parliamentarians although there were minor differences in detail among them.